

REFERENCE SERIES: Transportation in Connecticut

ARTICLE NO. 04 FHWA Congestion Mitigation Air Quality (CMAQ) Improvement Program

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This simple guide provides insight on how Connecticut administers the Federal Highway Administration's (FHWA) Congestion Mitigation Air Quality (CMAQ) Improvement Program and sources of additional information on the program. The article focuses on the program funds typically available to local project administrators through regional planning organizations (RPOs).

[Overview](#)

[Non-Attainment Areas](#)

[Eligibility](#)

- Principal Requirement
- Project Selection
- Commitment and Documentation Requirements

[Programming Funds](#)

[Application Solicitations](#)

[Obligation and Implementation](#)

[Other Notes and Resources](#)

Overview

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program is a Federal program that funds transportation projects and programs that contribute to the attainment or maintenance of National Ambient Air Quality Standards (NAAQS) in non-attainment or air quality maintenance areas for ozone, carbon monoxide, or particulate matter under provisions in the Clean Air Act (CAA), Title 42, United States Code. The CMAQ program was established by the 1991 Federal Intermodal Surface Transportation Efficiency Act (ISTEA) and was reauthorized with the passage of the Transportation Equity Act for the 21st Century (TEA-21), Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the more recent federal transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21).

This article provides highlights of the program. Those individuals, municipalities or organizations interested in the CMAQ program are strongly encouraged to review the *Connecticut Department of Transportation's CMAQ Program Guide for the Regional Planning Organizations*.

The CMAQ Program Guide covers all of the topics covered in this article and much more. The CMAQ Program Guide was created for the State's Regional Planning Organizations (RPOs) to assist their member municipalities and organizations interested in this potential funding source.

The CMAQ Program Guide and this article serve as an outline for understanding the portion of the CMAQ program available to RPO prioritized projects. These are often projects presented by local project administrators to the RPOs for their consideration. It further describes how this portion of the CMAQ program is administered in the State of Connecticut at this time. Administration of the program and associated processes are subject to change with future cycles.

The goal of the Department's CMAQ program for the RPOs is to deliver quality projects on budget that expand or initiate transportation services with air quality benefits for the State of Connecticut.

Non-Attainment Areas

As a non-attainment area for ozone and particulate matter, Connecticut receives Federal CMAQ program funds based on the population in the non-attainment areas of the State and the severity of air quality problems. As shown in the figure on the next page, Connecticut has two separate nonattainment areas for the 8-hour ozone standard, embodying the entire State.

The Greater Connecticut area is classified as moderate nonattainment and consists of Hartford County, Litchfield County, New London County, Tolland County, and Windham County.

The Connecticut portion of the New York/Northern New Jersey/Long Island, NY-NJ-CT area is also classified as moderate nonattainment and consists of Fairfield County, Middlesex County, and New Haven County.

In addition, Fairfield and New Haven Counties are part of the New York/Northern New Jersey/Long Island, NY-NJ-CT nonattainment area for fine particulate matter (PM_{2.5}).

Eligibility

The Federal Highway Administration (FHWA) has provided new guidance under its Final Program Guidance issued in October 2008. FHWA's guidance is quite comprehensive and discusses all aspect of the CMAQ program. Please review this guidance before developing project proposals to ensure that the desired activities are CMAQ-eligible. In addition to the Final Program Guidance, the FHWA has issued a number of guidance on specific issues, such as eligibility of freight projects and diesel retrofit programs.

All of these guidance documents are available on FHWA's website at:

www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance.

As a general rule, highway or transit maintenance and reconstruction projects, and the construction of single occupancy vehicle (SOV) capacity are not eligible activities.

Generally, CMAQ projects and programs fall into one of the following categories:

- Transportation Control Measures (TCMs)
- Extreme Low-Temperature Cold Start Programs
- Alternative Fuels and Vehicles
- Transit Improvements
- Shared-Ride Services
- Congestion Reduction and
- Traffic Flow Improvements
- Travel Demand Management Strategies
- Pedestrian and Bicycle Facilities and Programs
- Public Education and Outreach Activities
- Freight/Intermodal
- Idle Reduction
- Diesel Engine Retrofits and Other Advanced Truck Technologies
- Inspection Maintenance Programs
- Experimental Pilot Projects

Principal Requirement

The principal requirement for determining project eligibility through the CMAQ program is that the proposed CMAQ project be located within a nonattainment area or attainment area with a maintenance plan (maintenance area) for a national ambient air quality standard and produce a reduction of mobile on-road emissions for the pollutant or precursor of concern.

Project Selection

In addition to federal eligibility requirements , proposed projects from the RPOs utilizing CMAQ funding will be rated using project rating criteria. A point system will be applied based on quantitative and qualitative factors relating to the following: criteria:

1. Cost Effectiveness
2. Congestion Mitigation
3. Regional Rankings
4. Operation and Maintenance Plan

Commitment and Documentation Requirements

A number of other considerations for eligibility are discussed in detail in the CMAQ Program Guide. The condensed list below highlights those points relevant to commitment and documentation requirements:

- All candidate project proposals require endorsement by the associated Regional Planning Organization (RPO).
- Applicants must submit, with their completed applications, letters of commitment or resolutions to identify who will own, operate and maintain the project after it is completed, and for all matching funds.
- Operating cost for certain types of CMAQ projects are eligible for funding, and is limited to three years of federal funding.
- Project sponsors will be responsible for carrying out any required studies and/or obtaining necessary permits and approvals, including but not limited to historic and archaeological surveys and reports, state inland wetland and tidal wetland permits, and Coastal Area Management and Corps of Engineers permits.
- Selected projects will be administered as Federal-aid projects. As such, project sponsors must comply with all federal requirements, including but not limited to Disadvantage Business Enterprise contract set-asides, consultant selection procedures, and the competitive bid process.
- Projects must be designed to conform to the American with Disabilities Act requirements.

Programming Funds

The Department has earmarked \$10 million each year in CMAQ funds, prior to matching requirements, to fund CMAQ project proposals from the RPOs. This amount will be reviewed for each solicitation period with respect to federal funds available, current obligations and anticipated programmed activities.

- Generally, the Federal share for CMAQ projects under this program is 80%. Projects that qualify for 100% federal funding will be funded with 100% federal share.
- The project sponsor is responsible for the local share for all phases.
- Total project cost should be between \$200,000 and \$3 million. The total cost of the project (federal and local share) includes design, ROW acquisition, construction engineering, and operating cost if applicable. Non-construction projects, such as purchasing equipment, must have a total cost of at least \$50,000 (\$40,000 federal share).
- Cost overruns on selected projects, whether due to poor estimates or unforeseen circumstances, will be the responsibility of the project sponsors.

The funds provided by this program are on a cost reimbursement basis. Cost incurred prior to project selection and notice to proceed will not be reimbursed.

Application Solicitations

The Department anticipates soliciting projects from the RPOs every two years. The RPOs will be responsible for soliciting and prioritizing projects from stakeholders located within their boundaries.

- The Department will not accept candidate project proposals directly from individual localities or project sponsors. All candidate project proposals must be submitted through the RPO.
- For transit projects, the organization proposing the project must either be a designated grant recipient with Federal Transit Administration (FTA) or there must be a designated grant recipient willing to apply on their behalf.
- Although private and non-profit groups may apply, the Department will only enter into an agreement with a public agency to fund CMAQ projects. Therefore, a private or non-profit entity applying for CMAQ funds must coordinate with its respective municipality or another appropriate public sponsor.

Obligation and Implementation

Project sponsors will be provided three years within which to prepare their projects for obligation after the project has been selected for funding by the Department's selection committee. If funding for a project is not obligated within this three year period, then the project sponsor will not be allowed to submit a project for the next round of solicitation.

Other Notes and Resources

The information in this article is provided as a first step in understanding the transportation planning, development, design and implementation process. Many topics focus on elements particularly relevant to locally administered transportation projects. The full detail of the process, particularly rules of eligibility, special provisions, requirements, or constraints is not within the purview of this reference document. It is imperative that municipal staff contact their RPO early in the process for guidance.

In addition to the CT DOT website at www.ct.gov/dot, the Local Project Administration website of the University of Connecticut's CTI-Technology Transfer Center provides many resources for municipal staff and managers of local projects: www.t2center.uconn.edu. Other articles in the Reference Series: Transportation in Connecticut are posted at the Department's website and can be located by navigating to Publications > Pamphlets.

Article No. 02, entitled "Potential Federal-Aid Sources", may also be of interest. This simple guide describes the various Federal-aid programs available through the U.S. Department of Transportation to Connecticut municipalities. The document focuses primarily on Federal Highway Administration (FHWA) programs and related local project initiatives.

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